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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 CHASE HAYES,

12 Plaintiff,

13 v.

14 VONS RETAIL STORE,

15 Defendant.  
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Case No. 3:14-cv-0268-GPC-BLM

**ORDER SUA SPONTE  
DISMISSING FIRST AMENDED  
COMPLAINT PURSUANT TO 28  
U.S.C. § 1915(e)(2)(B)**

17 On February 5, 2014, plaintiff Chase Hayes, proceeding pro se, filed a complaint  
18 against defendant Vons Retail Store for “disability discrimination.” (ECF No. 1.)

19 Under 28 U.S.C. § 1915(e)(2)(B), district courts are required to screen pro se  
20 complaints for legal and factual sufficiency.


21 On February 19, 2014, the Court conducted the required screening and  
22 determined Plaintiff’s initial Complaint failed to state a claim for disability  
23 discrimination because Plaintiff “failed to (1) identify which anti-disability  
24 discrimination law(s) forms the basis of his claims, and (2) plead sufficient facts  
25 demonstrating Plaintiff is entitled to relief under that law(s).” (ECF No. 4.) Indeed,  
26 without additional facts, the Court was, and still is, unable to determine the basis for  
27 its subject-matter jurisdiction. The Court thus afforded plaintiff an opportunity to file  
28 an amended complaint to remedy these deficiencies.

On February 26, 2014, Plaintiff filed an amended complaint. (ECF No. 5.) Plaintiff's First Amended Complaint alleges, in its entirety, "Defendant Vons Retail Store, hired Plaintiff Chase Hayes with a disability. When the disability was aggravated on the job, defendant fired plaintiff." (*Id.*) It is thus clear that Plaintiff's First Amended Complaint does not correct the deficiencies of his initial pleading. More specifically, the First Amended Complaint does not explain which anti-disability discrimination law(s) Plaintiff is suing under or include sufficient factual allegations demonstrating he is entitled to relief under that law(s). Indeed, Plaintiff does not even make a demand for relief. The Court is therefore still unable to determine any basis for its subject-matter jurisdiction.

Based on the foregoing, **IT IS HEREBY ORDERED:**

1. Plaintiff's First Amended Complaint, (ECF No. 5), is **DISMISSED WITHOUT PREJUDICE.**
2. The Court will grant Plaintiff one more opportunity to remedy the pleading deficiencies described in this Order. If Plaintiff wishes to file a second amended complaint, he must do so on or before **March 28, 2014.** Plaintiff is advised that any amended complaint must be complete in itself, including any attachments, without reference to previous complaints. **Plaintiff is further advised that, if he chooses to file an amended complaint that again fails to correct the pleading deficiencies described in this Order, the amended complaint will be dismissed with prejudice (that is, without leave to amend).**
3. If Plaintiff fails to file a second amended complaint by March 28, 2014, this action shall remain dismissed without further order by the Court.

DATED: March 4, 2014

  
HON. GONZALO P. CURIEL  
United States District Judge